

REMARKS

By this Amendment, claim 21 is added, leaving claims 1-21 pending in the application.

Restriction Requirement

In response to the restriction requirement set forth in the Office Action, Applicant hereby elects, with traverse, the subject matter of Group I, claims 1-9.

Applicant submits that the subject matter of Groups I and II is sufficiently related that a thorough search for the subject matter of Group I necessarily would encompass a search for the subject matter of Group II. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. MPEP § 803 states that "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to distinct or independent inventions." It is respectfully requested that this policy be applied by the Office in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Office.

Amendment

New claim 21 is directed to an apparatus comprising "means" for performing the performing the features of the method recited in claim 1. It is submitted that claim 21 is a "linking claim" that links the claimed method to the claimed apparatus of Group II. According to MPEP § 809, "linking claims must be examined with, and thus are considered part of, the invention elected," and that "[w]hen all claims

directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn." In accordance with MPEP § 809, Applicant respectfully submits that claim 21 should also be examined with the claims of Group I.

Conclusion

Early and favorable consideration on the merits is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 12, 2007

By: 

Edward A. Brown
Registration No. 35033

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620